

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

WILLIAM NOWAKOWSKI,)	
)	
Plaintiff)	
)	
v.)	Case No.2:07-CV-186
)	
ROUNDERS STADIUM GRILL,)	
)	
Defendant)	

OPINION AND ORDER

This matter is before the court on the Motion for Extension of Discovery Deadline [DE 23] filed by the plaintiff, William Nowakowski, on May 30, 2008, and the Motion to Quash Plaintiff's Discovery Requests [DE 27] filed by the defendant, Rounders Stadium Grill, on June 17, 2008. For the reasons set forth below, the Motion for Extension of Discovery Deadline is **DENIED**, and the Motion to Quash is **GRANTED**.

Background

The plaintiff, William Nowakowski, was injured on December 16, 2006, when he fell at the defendant's restaurant, Rounders Stadium Grill. On June 8, 2007, this matter was removed to this court, and on August 17, 2007, this court held a scheduling conference pursuant to Federal Rule of Civil Procedure 16. At that conference, the court set January 2, 2008, as the deadline for the plaintiff's disclosure of expert witnesses, and May 30, 2008, as the discovery deadline.

After allowing both the court's expert disclosure deadline and a stipulated extension from Rounders to pass without compliance, Nowakowski petitioned for and was denied an enlargement of

time for expert disclosure in this court's order of May 8, 2008. On May 30, 2008, the final day of scheduled discovery, Nowakowski petitioned the court for an extension of time in which to "re-solve" discovery issues with the defendant. Those discovery issues involved 35 Interrogatories and a Request for Production propounded on May 21, 2008, nine days before the discovery deadline, as well as a notice of deposition which the defendant denied receiving.

Nowakowski asks the court for a 30-day extension in order to complete discovery. Rounders originally countered that it would have difficulty completing depositions within the one-month extension, then added the Motion to Quash, contending that the discovery was both untimely and substantively improper.¹

Discussion

Judge James T. Moody has stated the policy which has been followed by the Northern District of Indiana for more than 20 years:

Common sense dictates that any requests for discovery must be made in sufficient time to allow the opposing party to respond before the termination of discovery. Fed.R.Civ.P. 33(a) allows a party 30 days after service of interrogatories to serve answers or objections. . . . When the court sets a date for the termination of discovery, the parties should heed the logical import of such a deadline: the parties should complete discovery on or before that date and will not receive the benefit of court supervision of discovery which is to occur after that date.

¹Rounders contests the number of interrogatories as being over the allowable limit without leave from the court. Because of the untimeliness of the propounded interrogatories, there is no need to address the quantity.

The defendant has presented no special circumstances that justify an exception to that rule in this case.

Northern Indiana Public Svc. Co. v. Colorado Westmoreland, Inc., 112 F.R.D. 423, 424 (N.D. Ind. 1986)

No further discussion of law on this point is necessary.

Nowakowski has failed to pursue his case. Faced with looming deadlines, he did not provide the court any excuse or good cause for his delay. Therefore, the court will not require Rounders to respond to the untimely discovery requests, and the request for an extension is DENIED.

For the aforementioned reasons, the Motion for Extension of Discovery Deadline [DE 23] filed by the plaintiff, William Nowakowski, on May 30, 2008, is **DENIED**, and the Motion to Quash Plaintiff's Discovery Requests [DE 27] filed by the defendant, Rounders Stadium Grill, on June 17, 2008, is **GRANTED**.

ENTERED this 18th day of December, 2008

s/ Andrew P. Rodovich
United States Magistrate Judge